

LAW OFFICES OF

ANSELMO A. ALEGRIA

245 MAIN STREET, SUITE 410
WHITE PLAINS, NEW YORK 10601
914-761-1133 (OFFICE) 914-761-7088 (FAX)

July 28, 2008

BY ECF and FAX (914) 390-4179:

Hon. Stephen C. Robinson
District Court Judge
U.S. Courthouse-SDNY
300 Quarropas Street, Room 633
White Plains, New York 10601

MEMO ENDORSED

Re: Churchill v. City of Mount Vernon, et al.
08 Civ 0255 (SCR)

Dear Judge Robinson:

I represent the Plaintiff, Iyke Churchill, in the above-entitled action. In this action, Plaintiff claims violations of his civil rights under USCA §§ 1983 and 1985, including physical abuse, and claims unlawful arrest under the common-law of the State of New York. Pursuant to your Individual Practices and your instructions during a conference of this action in court on June 20, 2008, I respectfully write to request a forty-five (45) day extension of time in which Plaintiff may file amended pleadings and/or join additional parties and complete depositions.

The Scheduling Order in place for this action requires that joinder of additional parties and filing of amended pleadings be completed by July 30, 2008, and that depositions be completed by August 29, 2008.¹ I have annexed to this letter a proposed Revised Scheduling Order.

At this time, Plaintiff is unable to determine reasonably whether to amend his pleading and/or join additional parties and complete depositions because production of certain documents and receipt of certain interrogatory responses from Defendants are incomplete.² Plaintiff's receipt of this information will inform his determination whether to amend his pleadings and/or join additional parties and enable completion of depositions. Thus, Plaintiff seeks additional time so that he may receive and review the documents and information from Defendants.

¹ Annexed hereto is a copy of the scheduling order for the Court's convenience.

² Annexed hereto, in connection only with this application to for an extension of time, is a copy of a letter from this office to counsel for Defendants, which sets forth in more detail the additional documents and information that Plaintiff seeks from Defendants.

USDC SDNY	DOCUMENT	ELECTRONICALLY FILED	DOC #:	DATE FILED:

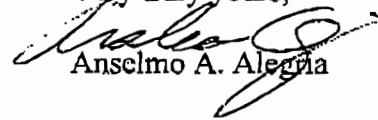
Nichelle A. Johnson, counsel for Defendants, refuses to consent to this request and claims, in her opinion, that Plaintiff needs no further information to determine whether to amend his pleadings or join additional parties.

Plaintiff respectfully disagrees with defense counsel's opinion. First, Fed.R.Civ.P. Rule 33 require that each individual Defendant served upon Plaintiff their interrogatory answers under oath. Apart from the corporate Defendant, City of Mount Vernon, the individual Defendants have not done so. Second, the document production and interrogatory answers that Plaintiff requested may determine when and where Defendants' custody of Plaintiff began and ended, and when it was that Defendants knew definitively that no persons identified Plaintiff as the perpetrator of the crime under their investigation. Third, Plaintiff's complaint references at least two individuals as John Does and one individual as Jane Doe. Thus far, the incomplete discovery provided by Defendant City of Mount Vernon is limited to only the individuals named in Plaintiff's complaint. The Defendant City of Mount Vernon has yet to identify the other individuals, including a female detective referenced as Jane Doe, who participated in the prolonged detention of Plaintiff.

For the reasons stated above, Plaintiff respectfully requests that the Court grant an extension of time in which Plaintiff may amend his pleadings, join additional parties and complete depositions. Plaintiff has not previously requested an extension of time in this action.

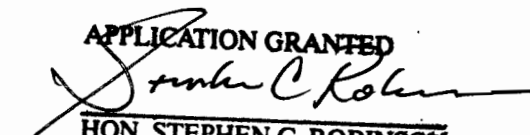
Plaintiff respectfully appreciates your Honor's consideration of this request.

Very truly yours,


Anselmo A. Alegria

AAA/jea

cc: Nichelle A. Johnson (via fax and first class mail)
Office of Corporation Counsel
Attorneys for Defendants


APPLICATION GRANTED
HON. STEPHEN C. ROBINSON
8/21/08